

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
Plaintiff(s),  
v.  
GERRY G. ZOBRIST,  
Defendant(s).

2:12-CR-460 JCM (GWF)

## ORDER

15 Presently before the court is the government's motion to amend the judgment in this case.  
16 (Doc. # 39). Defendant Gerry G. Zobrist did not file a response.

17 After sentencing, the government became aware of the foreclosure sale values of two of the  
18 properties in this case. Because these amounts are related to the loss caused by defendant's criminal  
19 scheme, the government requests that the restitution be reduced from \$30,894,281 to \$30,654,312  
20 to account for the updated calculation.

21 The purpose of restitution is to remedy the “actual losses” sustained by victims of a crime.  
22 See, e.g., *United States v. Yeung*, 672 F.3d 594, 601 (9th Cir. 2012). In cases, such as this one,  
23 involving real property fraud, it is appropriate for the court to reduce the restitution amount to  
24 account for the proceeds received from a foreclosure sale. *See id.* As such, the court will grant the  
25 motion, and amend the judgment to reflect the reduced restitution amount.

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1 || Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that the government's motion  
3 to amend the judgment (doc. # 39) be, and the same hereby is, GRANTED.

4 IT IS FURTHER ORDERED that the judgment against defendant shall be amended to reflect  
5 the restitution amount of \$30,654,312.

6 DATED January 15, 2014.

Gene C. Mahan  
**UNITED STATES DISTRICT JUDGE**